

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

PROFESSOR MASAHIRO IIDA,

Plaintiff,

vs.

INTEL CORPORATION,

Defendant.

Case No. 6:22-cv-00662-ADA

JURY TRIAL DEMANDED

**SCHEDULING ORDER**

<b>Date</b>	<b>Event</b>
Tue 9/20/2022	Plaintiff serves preliminary <sup>1</sup> infringement contentions in the form of a chart setting forth where in the accused product(s) each element of the asserted claim(s) are found. Plaintiff shall also identify the earliest priority date (i.e. the earliest date of invention) for each asserted claim and produce: (1) all documents evidencing conception and reduction to practice for each claimed invention, and (2) a copy of the file history for each patent in suit.
Wed 9/28/2022	Case Management Conference (Deemed to Occur)
Wed 10/19/2022	Deadline to file a motion for transfer. After this deadline, movants must seek leave of Court and show good cause for the delay.
Wed 11/23/2022	Defendant serves preliminary invalidity contentions in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found, (2) an identification of any limitations the Defendant contends are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendant contends are directed to ineligible subject matter under section 101. Defendant shall also produce (1) all prior art referenced in the invalidity contentions, and (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s).

<sup>1</sup> The parties may amend preliminary infringement contentions and preliminary invalidity contentions without leave of court so long as counsel certifies that it undertook reasonable efforts to prepare its preliminary contentions and the amendment is based on material identified after those preliminary contentions were served and should do so seasonably upon identifying any such material. Any amendment to add patent claims requires leave of court so that the Court can address any scheduling issues.

Date	Event
Fri 12/2/2022	Close of venue discovery
Thu 12/15/2022	Parties exchange claim terms for construction.
Thu 12/29/2022	Parties exchange proposed claim constructions.
Fri 12/30/2022	Plaintiff's response to transfer motion due.
Thu 1/5/2023	Parties disclose extrinsic evidence. The parties shall disclose any extrinsic evidence, including the identity of any expert witness they may rely upon with respect to claim construction or indefiniteness. With respect to any expert identified, the parties shall identify the scope of the topics for the witness's expected testimony. <sup>2</sup> With respect to items of extrinsic evidence, the parties shall identify each such item by production number or produce a copy of any such item if not previously produced.
Thu 1/12/2023	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
Fri 1/13/2023	Defendant's reply in support of transfer motion due.
Thu 1/19/2023	Defendant files Opening claim construction brief, including any arguments that any claim terms are indefinite.
Thu 2/9/2023	Plaintiff files Responsive claim construction brief.
Thu 2/23/2023	<p>Defendant files Reply claim construction brief. Parties jointly email the law clerks (<a href="mailto:txwdml_lawclerks_wa_judgealbright@txwd.uscourts.gov">txwdml_lawclerks_wa_judgealbright@txwd.uscourts.gov</a>) to confirm their <i>Markman</i> date.</p> <p>For pending inter-district venue transfer motions, the moving party to provide the Court with a status report with respect to whether the motion(s) has been fully briefed and ready for resolution no later than four weeks prior to the date of the Markman hearing that is scheduled in that case</p>
Thu 3/9/2023	Plaintiff files Sur-Reply claim construction brief.
Mon 3/13/2023	<p>Parties submit Joint Claim Construction Statement and email the law clerks an editable copy. Parties submit optional technical tutorials to the Court and technical adviser (if appointed).</p> <p><i>See</i> General Issues Note #7 regarding providing copies of the briefing to the Court and the technical adviser (if appointed).</p>
Thu 3/23/2023	<i>Markman</i> Hearing at 9:00 a.m. This date is a placeholder and the Court may

<sup>2</sup> Any party may utilize a rebuttal expert in response to a brief where expert testimony is relied upon by the other party.

Date	Event
	adjust this date as the <i>Markman</i> hearing approaches.
Fri 3/24/2023	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).
Thu 5/4/2023	Deadline to add parties.
Thu 5/18/2023	Deadline to serve Final Infringement and Invalidity Contentions. After this date, leave of Court is required for any amendment to infringement or invalidity contentions. This deadline does not relieve the Parties of their obligation to seasonably amend if new information is identified after initial contentions.
Thu 7/13/2023	Deadline to amend pleadings. A motion is not required unless the amendment adds patents or patent claims. (Note: This includes amendments in response to a 12(c) motion.)
Thu 9/21/2023	Deadline for the first of two meet and confers to discuss significantly narrowing the number of claims asserted and prior art references at issue. Unless the parties agree to the narrowing, they are ordered to contact the Court's Law Clerk to arrange a teleconference with the Court to resolve the disputed issues.
Thu 10/12/2023	Close of Fact Discovery
Thu 10/26/2023	Opening Expert Reports
Thu 11/30/2023	Rebuttal Expert Reports
Thu 12/21/2023	Close of Expert Discovery
Thu 1/11/2024	Deadline for the second of two meet and confer to discuss narrowing the number of claims asserted and prior art references at issue to triable limits. To the extent it helps the parties determine these limits, the parties are encouraged to contact the Court's Law Clerk for an estimate of the amount of trial time anticipated per side. The parties shall <b>file a Joint Report within 5 business days</b> regarding the results of the meet and confer.
Thu 1/18/2024	Dispositive motion deadline and <i>Daubert</i> motion deadline. See General Issues Note #7 regarding providing copies of the briefing to the Court and the technical adviser (if appointed).
Thu 2/1/2024	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations).
Thu 2/15/2024	Serve objections to pretrial disclosures/rebuttal disclosures. Parties to jointly email the Court's law clerk ( <a href="mailto:txwdml_lawclerks_wa_judgealbright@txwd.uscourts.gov">txwdml_lawclerks_wa_judgealbright@txwd.uscourts.gov</a> ) to confirm their pretrial conference and trial dates.

Date	Event
Thu 2/22/2024	Serve objections to rebuttal disclosures; file motions <i>in limine</i> .
Thu 2/29/2024	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions <i>in limine</i> .
Thu 3/7/2024	File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Kristie Davis at <a href="mailto:kmdaviscsr@yahoo.com">kmdaviscsr@yahoo.com</a> .  Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> .
Mon 3/18/2024	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .
Thu 3/21/2024	Final Pretrial Conference. The Court expects to set this date at the conclusion of the <i>Markman</i> Hearing.
Mon 4/15/2024	Jury Selection/Trial. The Court expects to set this date at the conclusion of the <i>Markman</i> Hearing.

Signed this \_\_\_\_ day of October, 2022.

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ALAN D ALBRIGHT  
UNITED STATES DISTRICT JUDGE